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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,841	02/06/2001	Chen-Shun Tscng	FP7509	3131
52981	7590'	06/22/2007		
LEONG C LEI PMB # 1008 1867 YGNACIO VALLEY ROAD WALNUT CREEK, CA 94598			EXAMINER PATEL, VINOD D	
			ART UNIT	PAPER NUMBER
			3742	
			MAIL DATE	DELIVERY MODE
			06/22/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/776,841	<b>Applicant(s)</b> TSENG, CHEN-SHUN	
	<b>Examiner</b> Vinod D. Patel	<b>Art Unit</b> 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED OFFICE ACTION

### INTRODUCTION

1. This application/control number 09/77,6841 has been examined. Applicant's election without traverse of species A in the reply filed on 2/19/02 is acknowledged.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, recites the limitation "the bag bodies" in line 2-3, the wire passage" in line 7.

Claim 2, recites the limitation "the heat emission object" in line 2-3. There is insufficient antecedent basis for this limitation in the claim. So as to avoid an antecedent bases issue and to provide clear and consistent language throughout the claims, it is suggested that applicant to review all the claims and amend claims.

Claim 1, recites the limitation "separate lamination layer is formed between a bag body with a second bag body" in line 5 is confusing. It is suggested that "separate lamination layer is formed between a bag body with a second bag body" replaced with "separate lamination layer is formed between a first bag body and a second bag body of said bag bodies" to positively recite the claim.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salpuri (US3202801) in view of Wang (US5805766) and further in view of Sullivan et al. (US5451747).

Salpuri discloses a hot packing bag (Figure 1-3) including a plurality of hot packing bag bodies (16) and an electric heating structure (10), and the contents of the bag bodies being mineral salts or like (it is noted that sodium acetate is known as sodium salt), the surrounding edges of the hot packing bag bodies are connected sealed and a separate lamination layer is formed between a first hot packing bag body (16) with a second hot packing bag body (16) for mounting of an electric heating plate (10). The electrical heating plate is slightly smaller than the hot packing bags and hot packing bag surface is provided with a plurality of heat melting points such that top and bottom surface of hot packing bag are approximately combined to avoid contents of the bag body accumulate at a specific area as shown in the Figures.

Heat emission object

Salpuri does not disclose sodium acetate solution and iron plate, a fastening ring for fastening is provided at the wire passage area for the hot packing bag and the electric heating plate so as to completely seal the bag body to avoid leakage and the

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electric heating plate is provided with a temperature control element, and an external connected temperature regulator and timer so as to effectively control the heat emission of the electric heating plate at a specific temperature so as to avoid excessive temperature to break the bag.

Wang discloses a hot packing bag (1) including a hot packing bag body comprising sodium acetate solution and iron plate, an electric heating structure, a fastening ring for fastening is provided at the wire passage area for the hot packing bag and the electric heating plate so as to completely seal the bag body to avoid leakage.

Sullivan et al. discloses a heating pad (2) comprising a PTC heating element (12) and a controller (8) including housing (76) and switches (80,82) to activate timed interval control means for controlling the electrical power supplied to the heating element.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide sodium acetate solution and iron plate, a fastening ring at the wire passage area for the hot packing bag and the electric heating plate as taught by Wang in order to completely seal the bag body to avoid leakage, and to provide the electric heating plate with a temperature control element, and an external temperature regulator and timer as taught by Sullivan in order to control the heat emission of the electric heating plate at a specific temperature for the device of Salpuri.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Salpuri (US3202801) in view of Wang (US5805766) and further in view of Sullivan et al. (US5451747) and Cecchi (US6734398).

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Salpuri (US3202801) in view of Wang (US5805766) and further in view of Sullivan et al. (US5451747) discloses claimed invention as described above except the center of the electric heating plate is provided with an approximate large through hole such that top and bottom hot packing bag can be combined at the through hole by the heat melting points.

Cecchi discloses a bladder system (1) comprising an assembly (10) having holes (25, 5, and 27).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide holes as taught by Cecchi in order to utilize holes for desired use by user for the devices of Salpuri.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinod D. Patel whose telephone number is 571-272-4785. The examiner can normally be reached on 7.30 A.M. TO 4.00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP

Vinod Patel  
Patent Examiner  
Art Unit 3742

  
TU B. HOANG  
SUPERVISORY PATENT EXAMINER